

**Minutes
City of Monona
Zoning Board of Appeals
Thursday April 30, 2020**

Chair Thomas called the meeting of the Monona Zoning Board of Appeals to order at 5:45 pm.

Present: Alder Thomas (Chair), Ms. Steele, Mr. Schweiger, Mr. Conrad, Ms. Piliouras & Ms. Bernstein (2nd Alternate)

Excused: Mr. Davies (1st Alternate)

Also Present: City Planner Douglas Plowman

Approval of Minutes:

A motion by Ms. Steele, seconded by Mr. Schweiger, to approve the minutes of September 19, 2019 carried with no corrections.

Appearances:

Mr. Doug Halls – 1218 Birch Haven Circle (Spoke in favor of Z-001-2020)
Ms. Catherine Orr – 4607 Tonyawatha Trail (Spoke in favor of Z-002-2020)

New Business:

Public Hearing: Nicholas and Katie Novak, 1224 Birch Haven Circle are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks for the purpose of constructing an addition to the property. (Case No. Z-001-2020)

Mr. Nicholas Novak of 1224 Birch Haven Circle presented the case for the variance application. The property has 2 bedrooms with no basement and they are running out of room with a growing family of 4. They hope to stay in the property long term, but need more space. The lot shape is unique, as is the house location on the lot itself. There are limited options for expansion, with the south side being the best option. The property architecture includes many roof lines, and for the architectural integrity extending the roofline south made sense. The proposal adds a room on each of the 2 floors. The applicant is seeking a variance of 3' on the south east corner for the addition. The neighboring properties are in support of the application. Mr. Bill Arnold, who is the adjacent neighbor has written a letter of support for the application which was included in the packet. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Nicholas and Katie Novak, 1224 Birch Haven Circle are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks for the purpose of constructing an addition to the property. (Case No. Z-001-2020)

Planner Plowman clarified the 3' of relief that the applicant is seeking. He outlined the challenges of the lot, the location on the property, as well as highlighting the signatures included in the packet. The property survey shows a storage shed to the north which encroaches onto City property. The potential removal of this is being discussed separately with Staff. Chair Thomas asked the applicants to clarify the hardship for this application. It was stated that the removal of the shed on the north of the property reduces storage at the home, and the addition would help address this. Ms. Steele asked about the gravel on the site near the shed. Ms. Novak responded that the City added this in order to aid drainage.

A motion was made by Ms. Steele, seconded by Mr. Conrad to approve the side yard setback variance for the purpose of constructing an addition to the property. The

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unnecessary hardship is present in the size and dimensions of the lot. A building addition to either the front or rear of the property would be challenging. The 2-bedroom size is challenging, coupled with the lack of storage and a basement. Additionally, the encroaching shed which will likely be removed adds to the hardship. There is no harm to the public interest with this application, it is in the spirit of the Zoning Ordinance, and it will allow substantial justice to occur by giving the applicant the opportunity to regain the lost storage space.

The motion carried unanimously.

Public Hearing: Jeff and Suzi Olsen, 4603 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks for the purpose of constructing a second story addition to the property. (Case No. Z-002-2020)

Mr. Jeff Olsen of 4603 Tonyawatha Trail presented his application to add a second story to their property. He and his wife have lived at the property for around 7 years. With a growing family the size of the house is limiting their ability to live comfortably and make improvements. The diagonal shape of the lot is unique, with the home built at an angle on the lot. The home was built in the 1940's and the south west corner is currently 3' 4" from the side yard. There is limited space to extend on any side of the property, so the best alternative is to build vertically. The property only has 2 bedrooms, and it is limiting the space they have. The previous two owners of the property moved because of the lack of space. The addition would be in keeping and consistent with adjacent properties in terms of building height. The hardship is present in the unique shape and topography of the lot. The second level will not extend further into the setbacks than the first floor, it will remain consistent with the first floor. Planner Plowman shared the email from the owner of 4604 Tonyawatha Trail in which he added his support of the application. There were no other appearances and the public hearing was declared closed.

Consideration of Action: Jeff and Suzi Olsen, 4603 Tonyawatha Trail are requesting a variance from Monona Municipal Code of Ordinances Sec. 480-24(d)(4)(b) Side Yard Setbacks for the purpose of constructing a second story addition to the property. (Case No. Z-002-2020)

Mr. Conrad asked if the applicant knew the south west corner of the lot was out of compliance with the side yard setbacks when they purchased the property. Mr. Olsen was aware of the unique lot design given the fence along the property line showing the angle of the lot. Planner Plowman clarified that the street yard setbacks are not being considered as the street yard has a setback other than 30' so established. Mr. Schweiger asked why it is impractical to build an addition in the rear of the property. Mr. Olsen responded that there is an easement in the rear, in addition to the internal property layout making an addition troublesome. Chair Thomas asked Planner Plowman to clarify if the application can be grandfathered given the footprint already extends into the setback. Planner Plowman clarified that an extension or expansion of an existing non-conforming building requires compliance with the Zoning Ordinance. Mr. Schweiger checked that both adjacent neighbors were comfortable with the expansion to a second level.

A motion was made by Mr. Schweiger, seconded by Mr. Conrad to approve the side yard setback variance for the purpose of constructing a second story addition to the property. The unnecessary hardship is present through the trapezoidal lot, with an existing footprint not square on the lot. The application is not contrary to the public interest, it will not negatively impact the neighborhood and it is in the spirit of the Zoning Ordinance to update and modernize the house. To expect the owner to modify the second floor footprint in order to satisfy an existing setback would be unreasonably burdensome.

The motion carried unanimously.

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Upcoming Meetings:

No applications have been received for a May meeting, and the meeting is cancelled.

Adjournment:

A motion by Mr. Schweiger, seconded by Ms. Piliouras, to adjourn carried. (6:26 pm.)

Respectfully submitted by:

Douglas Plowman, City Planner / Zoning Administrator